

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Jesse Furse

Case No.

Defendant(s)

**FILED**  
 UNITED STATES DISTRICT COURT  
 ALBUQUERQUE, NEW MEXICO  
 FEB 09 2017  
 MATTHEW J. DYKMAN  
 CLERK

17mj 389

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 8, 2017 in the county of Bernalillo in the  
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Sec. 2252(a)(2), (b)(1), 2252A(a)(2), and (b)(1);	Distribution of child pornography;
18 U.S.C. Sec. 2252(a)(4)(B), (b) (2), 2252A(a)(5)(B), and (b)(2)	Possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

Ross Zuercher, Special Agent - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/9/2017

City and state:

Albuquerque, New Mexico

  
 Judge's signature  
 Laura Fashing, U.S. Magistrate  
 Printed name and title  
 Judge

**AFFIDAVIT**

Your Affiant, Ross Zuercher, having been duly sworn, does hereby depose and say:

**Introduction**

1. I have been a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, since August 2012. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request arrest warrants. I am currently assigned to the FBI’s Albuquerque Violent Crime Program, as such, I am authorized to investigate crimes against children, including but not limited to internet crimes against children, online enticement of children, child pornography possession and distribution, and commercial sexual exploitation of children. Further, I have conducted and participated in a large number of search warrants, arrest warrants, and interviews of people involved in crimes against children. I am a member of the Internet Crimes Against Children Task Force and routinely discuss the aspects of investigating these types of cases with other law enforcement and prosecutors. I have also attended trainings specific to the use of computers in the commission of crimes against children.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers of the FBI, the New Mexico Attorney General’s Office (NMAG), the Albuquerque Police Department (APD), the Bernalillo County Sheriff’s Office (BCSO) and the United States Air Force Office of Special Investigation (AFOSI). Because this affidavit is submitted for the limited purpose of securing an arrest warrant, your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only those facts that your Affiant believes are necessary to support a criminal complaint for violations of 18 U.S.C. § 2252(a)(2), 2252A(a)(2), 2252(a)(4)(B), and 2252A(a)(5)(B).

**Relevant Statutes**

3. This arrest warrant seeks instrumentalities, fruits, contraband, and evidence of violations, or attempted violations of, the following statutes:
  - a. 18 U.S.C. § 2252(a)(2) and (b)(1), provide, in relevant part, that any person who knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been transported in or affecting interstate or foreign commerce, or which contains materials that have been transported in or affecting interstate or foreign commerce, by any means including by computer or knowingly reproduces any visual depiction for distribution using any means or

facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, or any person who attempts to do so, shall be guilty of a federal offense. Title 18, United States Code, Sections 2252A(a)(2) and (b)(1) provide, in relevant part, that any person who knowingly receives or distributes any child pornography or any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce transported in or affecting interstate or foreign commerce by any means, including by computer, or any person who attempts to do so, shall be guilty of a federal offense

- b. 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) provide, in relevant part, that any person who knowingly possesses, or knowingly accesses with intent to view any visual depiction that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been so transported, by any means including by computer, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, or any person who attempts to do so, shall be guilty of a federal offense. Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2) provide, in relevant part, that any person who knowingly possesses, or knowingly accesses with intent to view, any material that contains an image of child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been transported in or affecting interstate or foreign commerce by any means, including by computer, or any person who attempts to do so, shall be guilty of a federal offense.

### **Definitions**

5. The following terms are relevant to this affidavit in support of this application for an arrest warrant:
  - a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves

the use of a minor engaged in sexually explicit conduct. *See* 18 U.S.C. §§ 2252 and 2256(2), (8).

- b. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. *See* 18 U.S.C. § 2256(2).
- c. *Visual Depictions*: “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. *See* 18 U.S.C. § 2256(5).
- d. *Minor*: The term “minor” means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).
- e. *Child Erotica*: The term “child erotica” means any material relating to minors that serves a sexual purpose for a given individual, including fantasy writings, letters, diaries, books, sexual aids, souvenirs, toys, costumes, drawings, and images or videos of minors that are not sexually explicit.

#### **Technical Terminology**

- 6. Peer-to-peer (P2P) network - A decentralized network of computers that work together to request and send files to each other. The user who uses P2P software will indicate a folder or series of folders on Suspect Device as being “shared” with the other computers on the P2P network. Using keyword searches, a user can search for files contained in other P2P users’ folders and then download them to his/her computer. Law enforcement does monitor these networks, and using investigative techniques, can identify child exploitation files that contain graphic content. Law enforcement can download these files to view them and verify that they are in fact child pornography. Law enforcement can obtain the Internet Protocol (IP) address of the person who had the file(s) to secure their physical location.
- 7. Internet Protocol (IP) address - An unique identifier tied to every internet account in the world, and is how internet traffic finds its destination. IP addresses are managed by internet service providers (ISPs), like Comcast or CenturyLink, and those ISPs assign their customers an IP address when they activate their account. When law enforcement identifies an IP address during the course of an investigation, they can serve legal process on the ISP to obtain a physical address that the IP belongs to.
- 8. BitTorrent Network - Users of the BitTorrent network wishing to share new content will use a BitTorrent program to create a “torrent” file for the file or group of files they wish to share. A torrent file is a small file that contains information about the

file(s) and provides a method for a user to download the file(s) referenced in the torrent from other BitTorrent users. Torrent files are typically found as the result of keyword searches on Internet sites that host or link to them.

### **Details of the Investigation**

9. On February 18, 2016, the Albuquerque Division of the FBI received a report from AFOSI regarding the distribution of sexually explicit photographs and videos of prepubescent children via a P2P computer network. The distribution was done by a device using an IP address registered to Jesse Furse (FURSE) located at 1008 Sundrop Place SE, Albuquerque, New Mexico 87116.
10. Your Affiant learned that on October 10, 2015, Special Agent (SA) Owen Pena of the New Mexico Internet Crimes Against Children Task Force (Task Force) conducted an investigation on the BitTorrent P2P file sharing network. SA Pena identified a device utilizing the IP address of 73.26.42.248 (Suspect Device). The Suspect Device contained files of interest to investigators who conducted keyword searches or hash value searches for files related to child abuse material including child pornography on the BitTorrent network. The Suspect Device was associated with a torrent file with the InfoHash: a8d8436a9b5f04ea277584f44095a33e6f3. That torrent file referenced 18 files, at least one of which was identified as being a file of investigative interest to child pornography investigations.
11. Using a computer running investigative BitTorrent software, SA Pena directly connected to the Suspect Device at IP address 73.26.42.248. The Suspect Device reported it was using BitTorrent client software -UT3450- µTorrent 3.4.5.
12. On October 10, 2015, between 09:44 hours and 13:56 hours Mountain Standard Time (MST), SA Pena successfully connected to the Suspect Device and completed a direct, single source download of one file that the Suspect Device was making available. The Suspect Device was the sole candidate for each download, and each file was downloaded directly from the above-mentioned IP address.
13. SA Pena then looked through the file structure of the InfoHash and observed it in the folder titled: "Ls Magazine Issue 02 Enjoy The Show Movie 9-16." Inside the folder was the file titled: cap.jpg. The file is a color .jpg image file a collage of twelve (12) still images, which depict two (2) pre-pubescent girls in different indoor settings. These pre-pubescent girls are in different stages of undress, going from clothed to completely naked, which exposes their breast areas and their vaginal areas. In some of the still images the young girls have their legs spread far apart in different lewd or lascivious positions, with the camera zoomed in on their vaginas and vaginal openings. In the upper left corner of the image is the following file stamp: "File Name: lsm02-08-01.mpg", "File Size: 47, 89 MB", "Resolution: 360x288" and "Duration: 00:06:55". This collage of stills appears to be thumbnail images of a video file. Your Affiant reviewed this file and believes these two (2) young girls to be

between 7 and 11 years of age, due to their body size comparison/development, their no to slight/budding breast development and no pubic development.

14. On October 23, 2015, SA Pena conducted a query on the above-mentioned IP address through the American Registry for Internet Numbers (ARIN). ARIN reported the IP address to be registered to Comcast IP Services, L.L.C.
15. On November 1, 2015, between 13:56 hours and 16:47 hours Mountain Standard Time (MST), SA Pena successfully connected to the Suspect Device and completed a direct, single source download of one file that the Suspect Device was making available. The Suspect Device was the sole candidate for each download, and each file was downloaded directly from the above-mentioned IP address. The IP address was associated with a torrent with the InfoHash:  
d1325c0377eeae15439b82dd6ce15fbc4203337. This torrent file references 36 files, at least one of which was identified as being a file of investigative interest to child pornography investigations.
16. SA Pena then looked through the file structure of the InfoHash and observed it in the folder titled: "tara." Inside the folder were 13 files of investigative interest. One of the files within the folder was titled: Tara 8 Years Old - Ass Fuck And Ass Vibrator ! New ! 2007 (Kleuterkutje) (Pedo) (Kingpass) (Valya) (Pthc).wmv. A SHA1 value of TVYUZLMY2AEEDZ7SVPRTG5NJZMY6PAEE was located inside the folder "tara." The file is a color video or movie with sound/music approximately 3 minutes 23 seconds in length. The video begins with a blue screen with the following statements: "Tara 8 years old" and "Ass fuck and ass vibrator". This video depicts a naked pre-pubescent female or girl facing away from the camera and sitting/straddling on top of a naked adult male, while they are on a bed. The young girl is being anally penetrated by the adult male's penis, having anal intercourse. At the 1:37 minute mark the video changes to show the young girl still facing away from the camera, on her elbows and knees while on the same bed. The adult male then anally penetrates the young girl with a white dildo/vibrator. The young girl's vaginal area is also exposed during this. Your Affiant reviewed this file and believes this young girl to be between 7 and 10 years of age, due to her body size comparison/development, no apparent breast development and no pubic development.
17. Another file entitled, ! New ! (Pthc) 2007 Tara 8Yr - Gets Buttfucked By 14 Inch Long Vibrator - July 21, 2007.wmv (SHA1:  
SETHJDLSZC73LBXCXA3V3MKL4ND22I66) (Located Inside Folder: tara) was found. This color video or movie with sound is 6 minutes and 10 seconds in length. This video depicts a naked adult male with a clown face mask sitting on a chair, while a naked pre-pubescent female or girl with a feathered mask on. The young girl at first masturbates the adult male's penis while she is standing. The young girl then kneels in front of the adult male, while in between his opened legs. The young girl then performs oral sex on the adult male's penis. The adult male then later takes a large dildo and repeatedly inserts it into the young girl's anus. At the 2:37 minute mark the video changes to show the young girl on her hands and knees while on a bed. The



adult male then anally or vaginally penetrates the young girl with a large black dildo. The young girl then lies on her bag spreads open her legs while still on the bed and with her genitalia facing the camera. The adult male then anally penetrates the young girl with a large black dildo. The camera also zooms in on this at times. Your Affiant reviewed this file and believes this young girl to be between 7 and 10 years of age, due to her body size comparison/development, no breast development and no pubic development.

18. Another file entitled, ! New ! (Pthc) 2007 Tara 8Yr - Tara Kinderkutje) (Pedo) (Ptsc)\_to\_DivX\_clip0.avi (SHA1: 7RKJKHCV3H2WEIOMI3VKM4O66IOBMIL) (Located Inside Folder: tara) This color video or movie with sound/music is 3 minutes and 5 seconds in length. This video depicts a naked pre-pubescent female or girl lying on her stomach on a bed, while a semi-clothed adult male has his pelvis area by her head/face. The adult male is naked from the waist down. The young girl is performing oral sex on the adult male's penis and with him holding the back of her head with his hands. The video changes to now show the now naked adult male lying on his back and with the still naked young girl kneeling over him. The young girl is still performing oral sex on the adult male's penis. The video again changes to show the young girl lying on her back with her legs spread opened, with her genitalia facing the camera and the adult male kneeling over her. The adult male then performs oral sex on the young girl's vagina. The video changes again to show a close up of the young girl's face/head and as she performs oral sex on the adult male's penis. The video changes again to show the young girl kneeling on the bed while the adult male stands in front of her. The young girl is still performing oral sex on the adult male's penis, again while he holds the back of her head. The video changes again to show a close up of the young girl's face/head and as she performs oral sex on the adult male's penis. The video changes again to show a close up of the young girl's face/head, while she has her hands over her mouth/nose area and the adult male then masturbates his penis until he ejaculates on her face/head area; which then the camera zooms in on her face. Your Affiant reviewed this file and believes this young girl to be between 7 and 10 years of age, due to her body size comparison/development, no breast development and no pubic development.
19. On November 5, 2015, SA Pena conducted a query on the above-mentioned IP address through ARIN. ARIN reported the IP address to be registered to Comcast IP Services, L.L.C.
20. On December 26, 2015, between 12:40 hours and 13:09 hours Mountain Standard Time (MST), SA Pena successfully connected to the Suspect Device and completed a direct, single source partial download of one file that the Suspect Device was making available. The Suspect Device was the sole candidate for each download, and each file was downloaded directly from the above-mentioned IP address. The IP address was associated with a torrent with the InfoHash: e2d40edce73872d1efe06def4256d5800ea49597. This torrent file references one file which was identified as being a file of investigative interest to child pornography investigations.

21. SA Pena then looked through the file structure of the InfoHash and observed the file titled: Izzy 8yo 1b – Deep-throating.Mpg with the SHA1 value of CIOCTL5TJGV550AUWTGUYAQAVIDPNRARB. The file is a color video or movie with sound is 5 minutes and 3 seconds in length. This video depicts a naked pre-pubescent female or girl who is kneeling in between the opened legs of an adult male, who is naked from the waist down. The young girl then performs oral sex on the adult male's penis and at times looks at the camera while doing so. The young girl is shown in different positions or angles while performing oral sex on the adult male's penis. This video pauses and skips throughout the entire video due to it being a partial download. Your Affiant believes this young girl to be between 7 and 10 years of age, due to her body size comparison/development and no breast development.
22. On December 26, 2015, SA Pena conducted a query on the above-mentioned IP address through ARIN. ARIN reported the IP address to be registered to Comcast IP Services, L.L.C.
23. On January 1, 2016, between 16:29 hours and 17:29 hours Mountain Standard Time (MST), SA Pena successfully connected to the Suspect Device and completed a direct, single source download of one file that the Suspect Device was making available. The Suspect Device was the sole candidate for each download, and each file was downloaded directly from the above-mentioned IP address. The IP address was associated with a torrent with the InfoHash: 0f8d2a8c0896d024d55bc5d0fb6671a7e5ce8a62. This torrent file references 287 files, at least one of which was identified as being a file of investigative interest to child pornography investigations.
24. SA Pena then looked through the file structure of the InfoHash and observed the file titled: 000010.mpg with the SHA1 value of X5HX54F6VJFPIRPWQWNGXAPKD4XDUXLO. The file is a color video or movie with sound/music is 4 seconds in length. This video depicts a semi-clothed pre-pubescent female or girl who is reclined on her back with her legs in the air and her pink panties. The following words in purple lettering appeared on the screen: "Jack h'Off 2 Baby J" and with the song "Baby Jane" by Rod Stewart was heard playing in the background. The young girl then takes off her underwear exposing her vagina and anal areas. The camera then zooms in on the young girl's vagina, vaginal opening and anus, which is the focal point of this video. Your Affiant reviewed this file and believes this young girl is between 3 to 5 years of age, due to her body size comparison/development and no pubic development.
25. On January 21, 2016, SA Pena conducted a query on the above-mentioned IP address through ARIN. ARIN reported the IP address to be registered to Comcast IP Services, L.L.C.
26. On January 21, 2016, SA Pena obtained a Grand Jury Subpoena Duces Tecum from the 2nd Judicial District for Comcast Cable and for the IP address 73.26.42.248, the



same address utilized by the Suspect Device. The Grand Jury Subpoena Duces Tecum was faxed to Comcast Cable.

27. That same day SA Pena received the sought after information from Comcast Cable, who responded back with the subscriber information for IP address 73.26.42.248, which showed the subscriber information as follows:
  - a. Jesse Furse, 1008 Sundrop Place SE, Albuquerque, New Mexico 87116
  - b. Telephone number – 385-229-5534
  - c. E-mail User IDs – jmjfurse@comcast.net
  - d. Account Status: Active
  - e. MAC Address: cc:65:ad:d3:1a:6b
  - f. IP Address History: 73.26.42.248
  - g. IP Assignment: Dynamically Assigned
  - h. Start of Service: Unknown
28. SA Pena then gave two (2) flash drives to APD due to the subscriber information return coming back to an address located within the city of Albuquerque, New Mexico.
29. On January 29, 2016, your Affiant understands that APD Detectives referred the investigation to AFOSI.
30. On January 29, 2016, Special Agent (SA) Erick A. Chavarria of AFOSI applied for and obtained a search warrant for 1008 Sundrop Place SE, Albuquerque, New Mexico 87116. The search warrant was authorized by Military Magistrate Kenneth Bailey. SA Chavarria seized the evidence items described in Attachment A from 1008 Sundrop Place SE, Albuquerque New Mexico 87116.
31. The evidence items were transferred to the custody of APD and maintained in their evidence control room located at 400 Roma Avenue NW, Albuquerque, New Mexico 87103. None of the items seized were searched at that time.
32. On February 11, 2016 the FBI Albuquerque Division was contacted by the United States Attorney's Office regarding the case. On February 18, 2016, your Affiant contacted SA Chavarria to obtain details of the case as well any records associated with the search warrant. On February 19, 2016, your Affiant contacted APD to obtain details of the case as well as records associated with the search warrant.
33. On March 17, 2016, your Affiant obtained a search warrant from the Honorable Karen B. Molzen for items seized from FURSE on January 29, 2016 by AFOSI and APD.
34. On March 24, 2016, the devices seized were transferred from the APD evidence control room located at 400 Roma Avenue NW, Albuquerque, New Mexico 87103, to the New Mexico Regional Computer Forensics Laboratory in Albuquerque, New

Mexico Based on my training, experience, and conversations with APD, I know that the devices seized have been stored in a manner consistent with policies and procedures which would preserve any evidence on the computer.

35. Of the multiple devices seized from FURSE, a silver ARCTIC external hard drive was found to contain a 500 gigabyte Toshiba hard drive, model: MK5059GSXP, serial number: 21BLF0WZS MC3 EC.A, which was manufactured in China (the Target Hard Drive). The Target Hard Drive was encrypted with BitLocker encryption, a full disk encryption feature included with the Microsoft Windows operating system.
36. From March 24, 2016 to early February 2017, multiple attempts were made to gain access to the Target Hard Drive without success.
37. On February 8, 2017, BCSO computer forensic examiner, Jeremy Guilmette, discovered two BitLocker recovery keys located on a separate hard drive that was originally seized from FURSE by AFOSI and APD on January 29, 2016. One of the recovery keys was found under the filepath: Partition 2/NONAME [NTFS]/[root]Users/JMJFurse/Documents/Pictures HD Encryption password.txt. Guilmette then entered the recovery keys into the imaged Target Hard Drive, and successfully gained access to its contents.
38. The Target Hard Drive was split into two volumes. Both volumes contained child pornography as well as family photographs belonging to FURSE. In one of the volumes, your Affiant discovered three video files that corresponded to three of the child pornography videos described in paragraphs 16, 17, and 18 of this affidavit. Further, the hash values of those three child pornography videos found on the Target Hard Drive matched the hash values of the exact same three video files found during SA Pena's investigation.
39. After preliminary review of the contents of the Target Hard Drive, your Affiant identified approximately 1,400 video files consistent with child pornography.
40. Additionally, the P2P software utilized by FURSE, BitTorrent, was found on several of the electronic devices seized from FURSE'S residence.

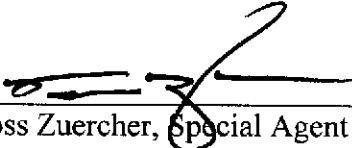
#### **Interstate Nexus**

41. Individuals who utilize P2P file sharing client programs, such as BitTorrent, must connect to the Internet to share files with other individuals. In order to access the Internet and P2P file-sharing programs, an individual computer user must subscribe to an access provider, which operates a host computer system with direct access to the Internet. Your Affiant believes that the element of "in or affecting interstate or foreign commerce" is satisfied for a violation of 18 U.S.C. §§ 2252(a)(2), 2252A(a)(2), 2252(a)(4)(B), and 2252A(a)(5)(B) and for the limited purpose of securing an arrest warrant.

42. For purposes of possession only, 18 U.S.C. § 2252(a)(4)(b) and 18 U.S.C. § 2252A(a)(5)(B), your Affiant knows that the child pornography files were found on an electronic device manufactured outside of New Mexico. Specifically, the Target Hard Drive is a Toshiba hard drive, model: MK5059GSXP, serial number: 21BLF0WZS MC3 EC.A, which was manufactured in China.

**Conclusion**

43. Based upon the information contained herein, your Affiant states that probable cause exists to believe that Jesse Furse committed violations of Title 18, United States Code, Sections 2252(a)(2), 2252A(a)(2), 2252(a)(4)(B), and 2252A(a)(5)(B).
44. I respectfully request that a warrant be issued authorizing the arrest of Jesse Furse.
45. Assistant United States Attorney Jonathon Gerson has reviewed and approved this complaint affidavit.
46. I swear that this information is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Ross Zuercher, Special Agent - FBI

SUBSCRIBED and SWORN to before  
me this 9<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
United States Magistrate Judge